

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

EMILY MAIS,

Plaintiff,

v.

Case No. 3:22-cv-51

ALBEMARLE COUNTY SCHOOL BOARD,

Defendant.

DEFENDANT'S MOTION TO DISMISS

NOW COMES Defendant, Albemarle County School Board, by counsel and pursuant to Federal Rules of Civil Procedure 12(b)(6) and 81(c)¹, moves to dismiss the Second Amended Complaint (ECF No. 1-5) because Plaintiff has not stated a claim upon which relief can be granted and has not alleged facts sufficient to state a cause of action. For the reasons outlined in the accompanying Brief in Support of this Motion, the Second Amended Complaint should be dismissed with prejudice.

WHEREFORE, the Albemarle County School Board, by counsel, respectfully requests this Court to grant this Motion to Dismiss, and dismiss Plaintiff's Second Amended Complaint with prejudice.

**ALBEMARLE COUNTY SCHOOL
BOARD**

By Counsel

¹ The School Board filed a Demurrer and Plea in Bar in state court and removed the case to this Court on September 7, 2022. The state court Demurrer and Plea in Bar is the functional equivalent of a Motion to Dismiss under the Federal Rules of Civil Procedure. Pursuant to Rule 81(c)(2), repleading is not necessary. This court entered an oral order establishing a briefing schedule for this motion. See ECF Doc. 6.

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C E R T I F I C A T E

I hereby certify that on the 7th day of October, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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